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S. Arthur Henry

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Another View of The Basing Point Controversy

BY S. ARTHUR HENRY
of the Denver Bar

EDITOR'S NOTE—In DICTA for January, Mr. Robert Freer, retiring chairman of the Federal Trade Commission, discussed the basing point pricing system. This month we are pleased to be able to present another view of this very controversial subject by a member of our own association.

In the last several years there has been a series of cases involving the validity of the so-called "basing point system of pricing" which has been an accepted pattern of selling for many years, particularly in lines of heavy industry. A basing point price system has been defined as:

> "Sales at delivered prices, computed by adding to the mill price the cost of transportation from any particular point, known as the 'basing point', usually a place other than the seller's mill or factory. The term 'single basing point system' is applied when only one basing point is used by the seller, and the term 'multiple basing point system' is used when more than one basing point is used by the seller." (C.C.H. Inc. "Pricing Practices and the Law").

The growing tendency under the multiple basing point system was to designate the plant nearest to the consuming area as the basing point for that area; but there were some inconsistencies even within the area, which resulted in instances of either freight absorbtion or phantom freight. The base plant, however, did set a ceiling for its area and if a remote seller desired to penetrate the area where the base plant held a freight advantage, he would have to absorb freight to do so. Thus in computing the price to be met, the distant seller would know that it would be the plant price at such base plant plus actual freight thence to the particular buyer's destination.

This was predicated on recognition of the fact that in uniform products such as cement, steel, etc. the buyer would not (in any normal market) pay more for one brand than another and therefore a seller could not invade a territory where his price was even slightly above the going price in the particular area. Conversely, the seller recognized that if he undercut the local basing point plant the latter would either have to cut accordingly or be unable to effect any sales. Thus there was no incentive to undercut rather than merely meet competition. Indeed the legality of undercutting might in itself be challenged (*Moss, Inc. v. F. T. C.*, 148 Fed (2d) 378; *Certiorari* denied 326 U. S. 734, 1945).

Obviously it was self-interest that dictated meeting competitive prices rather than undercutting them. A company with productive capacity in excess of the demands of its freight advantage area could afford to absorb freight on shipments penetrating another territory with less ultimate loss of revenue than if it lowered its whole price structure under direct competition on a cutthroat basis of price competition alone, with its attendant risk of financial collapse.

The ultimate result of such a system of delivered prices calculated to meet, but not undercut, the existing competition at the point of destination was to produce substantial uniformity of price among the like products of the various sellers at the particular destination.

The Statutory Background

In considering the matter of pricing practices, regard must be given to four federal statutes: First and oldest is the Sherman Anti Trust Act [1] adopted in 1890 and directed at conspiracies in restraint of trade and utilization or creation of monopolies. The Act provides criminal penalties but also has provision for some civil remedies. Next was the Federal Trade Commission Act [2] adopted in 1914 prohibiting unfair methods of competition, and by later amendment, unfair or deceptive acts or practices in commerce. The Clayton Anti Trust Act [3] was also adopted in 1914, aimed particularly at price discriminations which might tend to lessen competition or induce monopoly. In 1936 the Robinson-Patman Act [4] was adopted, amending Section 2 of the Clayton Act and elaborating the prohibitions against price discriminations. Under this Act the matter of collusion or conspiracy is not a factor. Section 2A and 2B of the Clayton Anti Trust Act, as amended by the Robinson-Patman Act, are currently of major interest in the present controversy. Section 2A oulaws discrimination in price where the effect may be to substantially lessen competition or tend to create monopoly. It does not bar a discrimination, however, which makes "only due allowance for differences in the cost of manufacture, sale, or delivery". Section 2B provides that a seller may rebut proof of a price discrimination by showing that the sale was "made in good faith to meet an equally low price of a competitor * * *". A good deal of confusion in psychology at least, arises from the fact that under the Sherman Act the element of overt collusion is mandatory and criminal penalties are involved. There the parties must actually *intend* to conspire to attain the prohibited result. Under the other statutes as now interpreted by the Commission and the courts, the *intent* of the parties may not be material at all, but liability may be imposed for violation because of actual economic results of a seller's action even though independently taken without any element of collusion. This clearly suggests that any attempt to

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[1] Act of July 2, 1890, Chap. 647, 26 Stat. 209, as amended; 15 U. S. Code, Sections 1-7.

[2] Act of September 26, 1914, Chap. 311, 38 Stat. 717, as amended; 15 U. S. Code, Sections 41-51.

[3] Act of Ocotber 15, 1914, Chap. 323, 38 Stat. 730, as amended; 15 U. S. Code, Sections 12-27, 18 U. S. Code, Section 412, 28 U. S. Code Sections 381-383, 385-390, 29 U. S. Code, Section 52.

[4] Act of June 19, 1936, Chap. 592, 49 Stat. 1526; 15 U. S. Code, Sects. 13-13b, 21a.

evaluate these complicated trade pricing situations from the standpoint of moral turpitude alone is not a desirable atmosphere within which to attain a sound and logical conclusion. Under the later statutes it seems clear that certain results or economic conditions were considered undesirable and therefore prohibited on that basis. The great controversy now is whether the Federal Trade Commission and the Courts, by interpretation, have not advanced the prohibitions of these later statutes so as to render illegal certain acts, because of their end economic results, which were far beyond the legislative intent in enacting the statutes. There is growing sentiment that it is now necessary to have a further legislative declaration, either restricting the scope of such interpretations, or affirming them as within the Congressional intent.

Recent Cases in Controversy

Necessary limitations of space prevent any complete discussion of the many cases dealing with this general basing point problem, but the following recent cases are the ones which figure most prominently in the present rather heated controversy and are adequate to outline the problem now facing industry:

Corn Products Refining Company v. Federal Trade Commission, 324 U.S. 726; Decided April 23, 1945.

Federal Trade Commission v. Staley Manufacturing Company, et al. 324 U.S. 746; Decided April 23, 1945.

Federal Trade Commission v. Cement Institute, et al., 333 U.S. 683; Decided April 26, 1948.

Federal Trade Commission v. Morton Salt Company, 334 U.S. 37; Decided May 3, 1948.

Triangle Conduit & Cable Company, Inc., et al., v. Federal Trade Commission, 168 Fed. (2d) 175; Decided May 12, 1948.

United States Steel Corporation, et al. v. Federal Trade Commission, —— Fed. (2d) ——; Decree dated October 5, 1948.

In addition to the above cases, the pending complaint of the Federal Trade Commission against National Lead Company, et al., (F.T.C. Docket No. 5253) and the modified cease and desist order of the Commission in the proceeding against the Standard Oil Company of Indiana (F.T.C. Docket No. 4389), on which an appeal is now pending in the Circuit Court of Appeals for the Seventh Circuit, are of immediate significance.

The Corn Products case, *supra,* involved the use of a single basing point system of pricing in connection with sales of glucose. Mr. Chief Justice Stone in delivering the opinion in the case stated the facts on this point as follows:

> "They sell only at delivered prices, computed by adding to a base price at Chicago the published freight tariff from Chicago to the several points of delivery, even though deliveries are in fact made from their

> factory at Kansas City as well as from their Chicago factory. Consequently there is included in the delivered price on shipments from Kansas City an amount of 'freight' which usually does not correspond to freight actually paid by petitioners" (the petitioners being the defending companies).

The court went on to declare this practice illegal and that it constituted an unlawful price discrimination forbidden by the Robinson-Patman Act. The significant point here is that the court held illegal a single basing point pricing system operated by the Corn Products Company, without collusion with others, on the ground that the results effected price discriminations forbidden under the Robinson-Patman Act. It should be noted that in this case both phantom freight and freight absorption were involved.

Under like date the court also decided the Staley case, *supra.* In the Staley case, the Staley Company, which was a competitor of Corn Products, had adopted the latter's basing point pricing policy completely; adopting Chicago as a basing point because it was Corn Products' basing point. The company's plant was in Decatur and by adopting the Corn Products Company basing point, purchasers next to the plant in Decatur nevertheless had to pay a price which included "phantom freight" from Chicago. Here the court again condemned the results of the system as causing a discrimination prohibited by the Robinson-Patman Act and specifically rejected the contention of the company that the adoption of the competitor's pricing system could be defended as a good faith attempt to meet competition. It should also be noted that here again the element of collusion was not involved, the action taken having been a unilateral proceeding. The case is noteworthy for the following dictum, the validity of which has been endangered by the later Cement case. The dictum in question is:

> "But it does not follow that respondents may never *absorb freight* when their factory price plus actual freight is higher than their competitor's price, or that sellers, by so doing may not maintain a uniform delivered price at all points of delivery, for in that event there is no discrimination in price." (Italics ours.)

In other words this dictum specifically says that if delivered prices arising from freight absorption are uniform there can be no discrimination.

The Cement Institute Case

The case of *Federal Trade Commission v. Cement Institute, et al., supra,* commonly referred to as the "Cement" case, was next decided. In the eyes of industry at least the decision in that case climaxed a long drive by the Federal Trade Commission to outlaw the basing point system of pricing completely and in substance to require f.o.b. plant pricing in all heavy industry. The Cement Case decision held illegal a collusive arrangement among cement producers to adopt a basing point pricing system which resulted in substantial identity of price for their product at all points. Technically the actual decision, strictly read, is not novel. The Circuit Court of Appeals had not found the existence of collusion and doubted in fact that the Commission had made such a finding. Nevertheless, the Supreme Court reversed that position and accepted the contention of the Commission that there was collusion and conspiracy. Accepting that premise, no one can quarrel with the result of the decision in declaring such conduct illegal. It should be noted that the affirmation of the prohibitory order of the Commission was sustained by the Supreme Court with the express comment that it was directed at "* * * concerted, not individual activity on the part of respondents." However, the implications of the language of the court in this decision and the positions urged by the Commission went so far beyond the technical scope of the decision and were felt by industry in general to be so ominous that a storm of controversy immediately arose.

The actual decision of the court in the Cement case was that a multiple basing point price system operated collusively in attaining substantial identity of delivered price was illegal both as a price discrimination prohibited by the Robinson-Patman Act and as an unfair method of competition in violation of the Federal Trade Commission Act. The Sherman Act was not involved. The court also discussed at length the two previous decisions in the Corn Products and Staley cases and flatly stated, "Thus the combined effect of the two cases was to forbid the adoption for sales purposes of any basing point pricing system."

In substance, in its attack, the Commission seems to have proceeded on the view that freight absorption as a factor in a pricing system resulting in substantial uniformity of delivered prices among different sellers is inherently a collusive practice and should be branded collusive *per se*. In addition, on the question of price discrimination the Commission strongly urged its favorite theory that there has in fact been a discrimination in price whenever after freight costs are deducted there is a difference between transactions in the net realization at the mill. As the Commission itself has said in its statement of policy of October 12, 1948 (as amended Oct. 21, 1948):

> "According to this test, all forms of geographic pricing, except f.o.b. mill pricing without freight equalization, must necessarily create price differences if the seller makes sales over any considerable area."

It is true that under the Robinson-Patman Act all price discriminations are not condemned and a price discrimination is valid if it can be justified by cost factors involved or if made in good faith to meet the equally low price of a competitor.

The Supreme Court in deciding the Cement case, while not expressly declaring the basing point price system as illegal and collusive *per se*, did appear to embrace the position of the Commission on practically all its contentions and, as noted, regarded the Corn Products case and the Staley case as forbidding "the adoption for sales purposes of any basing point pricing system." The decision also seems flatly to overrule the dictum in the Staley case to the effect that delivered prices if uniform, even though arising from freight *absorption,* could not be considered discriminatory. In other words if the "mill net" concept of price is accepted as the test of discrimination, then obviously freight absorption is just as bad as phantom freight, since the mill net would vary to the extent of freight absorbed.

The Dilemma of Industry

Thus, upon the decision of the Cement case, industry was faced with two sharply controverted questions: First, did the decision forbid an individual company to absorb freight in penetrating a distant market even if there was no collusion or conspiracy in fact or did it forbid only the use of freight absorption when practiced under collusion or agreement in a price conspiracy? Second, did the decision outlaw any pricing method even though independently operated which in fact resulted in varying mill nets to the mill on different transactions?

The rigid Steel Conduit case, *supra,* followed quickly after the Cement case decision and did little to reassure industry. In fact, it was regarded as the last straw. This decision, it should be noted, is not that of the United States Supreme Court, but of the Circuit Court of Appeals for the Seventh Circuit. The significant point in this decision was the concurrence by the court in the contention of the Commission that individual use of a basing point pricing method without collusion but with knowledge that other sellers used a like system constituted an unfair method of competition under the Federal Trade Commission Act. In commenting on this case in its statement of policy issued October 12, and corrected October 21, 1948, the Commission rather significantly said:

> "* * * The Commission chose to rely on the obvious fact that the *economic effect* of identical prices achieved through *conscious parallel action* is the same as that of similar prices achieved through overt collusion, and, for this reason, the Commission treated the conscious parallelism of action as violative of the Federal Trade Commission Act. Should the Supreme Court sustain the Commission's view the effect will be to *simplify proof* in basing point cases, but to expose to proceedings under the Federal Trade Commission Act only courses of action which *might be regarded* as collusive or destructive of price competition." (Italics ours.)

Suffice it to say that to many business men this looks remarkably like a situation where they can be convicted of collusion and conspiracy without regard to the fact, whenever the Commission chooses to determine that there has been a sufficient identity of delivered price in any industry to cause the Commission to "feel" that competition may be hindered or impeded even though such identity of price was not obtained through overt collusion.

The *Morton Salt* case was not a basing point case but is relevant and of interest. There the Commission attacked a standard quantity discount system of the Morton Salt Company which graduated downward the price per case on salt according to certain quantity brackets. The lowest bracket being that on 50,000 case purchases in any consecutive twelve months, where the price was cut to $1.35 per case as compared to a price of $1.60 per case for less than carload purchases which was at the other end of the scale. The Commission, after hearing, found that this was a discriminnation in price between different purchasers and in violation of paragraph 2 of the Clayton Act as amended by the Robinson-Patman Act prohibiting discriminations not justified by cost factors. The noteworthy and controversial point in this decision was the ruling of the court that the Robinson-Patman Act does not require the Commission to find that the discriminations complained of in fact harmed competition but only that there is a "reasonable *possibility*" that they "may" have such an effect. This significant departure is objected to by Mr. Justice Jackson, Mr. Justice Frankfurter concurring, in the dissenting opinion in which he said:

> "While I agree with much of the Court's opinion, I cannot accept its most significant feature, which is a new interpretation of the Robinson-Patman Act that will sanction prohibition of any discounts 'if there is a reasonable *possibility* that they "may" have' the effect to-wit: to lessen, injure, destroy or prevent competition. (Emphasis supplied). I think the law written by the Congress and as always interpreted by this Court requires that the record show a reasonable *probability* of that effect. The difference as every lawyer knows, is not unimportant and in many cases would be decisive."
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> "The Court uses overtones of hostility to all quantity discounts, which I do not find in the Act, but they are translated into a rule which is fatal to any discount the Commission sees fit to attack. To say it is the law that the Commission may strike down any discount 'upon the reasonable possibility' that different prices for like goods to competing purchasers 'may' substantially injure competition, coupled with the almost absolute subservience of judicial judgment to administrative experience, cf. Securities and Exchange Commission v. Chenery Corp. 332 U.S. 194, means that judicial review is a word of promise to the ear to be broken to the hope. The law of this case, in a nutshell, is that no quantity discount is valid if the Commission chooses to say it is not. That is not the law which Congress enacted and which this Court has uniformly stated until today."

Big Steel Abandons "Pittsburgh Plus"

The impact of these decisions was too much even for big U.S. Steel, and under date of October 5, 1948, a consent decree was entered terminating a controversy between U.S. Steel and the Commission which had been more or less in active debate since entry of a cease and desist order against certain practices of the Steel Company by the F.T.C. on July 21, 1924. Under the terms of the consent decree, so far as relevant to this discussion, the Steel Companies were ordered to cease and desist from any further use of the so-called "Pittsburgh plus" price system of selling, and from quoting for sale or selling steel upon any other basing point than that where the products are manufactured or from which they are actually shipped.

By reference to the "Pittsburgh plus" pricing system was meant the steel company's former practice of charging freight on all sales wherever delivered, in like amount as if the shipment had actually originated at Pittsburgh.

In the Standard Oil Company case, *supra,* now pending in the Court of Appeals, the Commission seeks to test whether or not a defendant who has given a price discrimination which has the required adverse effect on competition can justify and sustain such discrimination by proof that it actually arose by meeting competition in good faith. In the National Lead case, *supra,* the Commission is attacking a system of uniform delivered prices within a zone. The Commission charges that such a uniform delivered price within the particular zone constitutes an illegal discrimination. On the discrimination point the Commission again asserted its belief that "net mill realizations" are the only guide in determining a discrimination. It is perfectly obvious that, if varying "mill net" is the test, discrimination exists in any zone pricing system, both as between near and distant points in the same zone and between two zones themselves, at or near the point of overlap.

Zone Price Systems Are Out

If the pattern laid by the earlier cases noted continues, the chances of vindicating a zone pricing system or uniform delivered prices within the particular zones would appear to be remote. In like fashion it would appear that even a nationwide "one-price delivered" system would be prohibited since it is obvious that as to deliveries made at other than identical points having identical transportation charges incident thereto discrimination would exist since freight or transportation costs would be absorbed to some extent on deliveries at remote points and, conversely, phantom freight received on deliveries at nearby points.

At least one member of the Commission in summarizing the effect of the several recent decisions flatly stated before the Capehart Committee investigating the impact of these decisions upon business, that in his opinion:

> "That the multiple basing point pricing system, which does not take into account every point of production, is out as a matter of law." * * * "Freight absorption is out. By that I mean that it will be a violation of the law merchant for anyone to use a systematic pricing system which allows him to pay the freight out of his own pocket in order to sell in a competitor's territory." (Commissioner Mason.)

Although the Commission itself has indicated that it limits its challenge of freight absorption to situations where the element of freight would be a substantial factor in determining cost, the Vice-chairman of the Commission, Mr. Mason, does not so agree and again in testifying before the Capehart Committee, stated:

"Now, Mr. Chairman, this in my opinion goes from pins and needles on up, for I know of no accepted doctrine in this country, which applies the law to one commodity, and not to others. The pattern of law is a universal pattern, and to justify a law on the basis that it will not or cannot be equally applied, is in itself a confession of weakness. And I hope that no one will challenge this statement on the basis that administrative agencies will not force everybody to obey the law.

"Zone prices are out. Zone prices are essentially part of an individual pricing system." * * * "It may be urged that my statement of the law is too broad, and that freight absorption and zone prices and even individual universal delivered price systems are not banned unless there is a probability of a tendency to restrain trade.

"These words are too tenuous for many to grasp. In my opinion anyone who uses freight absorption, zone prices, or an individual universal delivered price system, operates under the shadow of illegality and certainly is taking a calculated risk."

Although Mr. Mason's remarks concerning the results of the Commission's activities are not too happily looked upon by his colleagues on the Commission, it should be noted that the Commission itself in its formal statement of policy of last October indicated that the chance of defending a price discrimination evidenced by a varying mill or factory net, under the plea that competition was merely being met, was remote. The statement says:

"It may be presumed that wherever there is an industry-wide pattern of parallel geographic prices, the claim on the part of one company that it is merely meeting competition will fail. It may also be presumed that this claim will fail where there are phantom freight charges and where formula prices are followed regardless of the existence of competition.

"From these presumptions, it appears improbable that the defense of meeting competition can be successfully offered in cases involving systematic matching of delivered price quotations through single or multiple basing point systems or the more complicated types of zone price systems. It may also be presumed that such a defense will be unsuccessful in the case of industry-wide systematic freight equalization."

However, even in its somewhat conciliatory statement of policy of last October, the Commission has evidenced no growth in friendship for the basing point system. In that statement the Commission said:

"The collusive character of basing point pricing is not destroyed as the number of basing points is increased. A logical culmination of the increase in the number of bases, which has been evident in various industries during the last quarter century, would be the establishment of every mill as a base. Under such circumstances, a basing point system would be indistinguishable from an f.o.b. mill system with systematic freight absorption wherever necessary to equalize delivered prices. Complexity and rigidity would be as characteristic of such a system as of systems with fewer bases and the freight absorption formula could be used as readily to bring about identical delivered prices and eliminate price competition. The only significant difference between such a system of freight absorption and basing point pricing would lie in the elimination of phantom freight, which would remove some of the anomalies that make basing point systems appear highly artificial. This difference is not sufficient, however, to preclude a presumption that systematic industry-wide adherence to such a freight absorption formula is a collusive device."

Only Rigid F.O.B Price System Left

Reviewing the foregoing and judging the Commission by its actions and its carefully formulated statements, it seems to me to be extremely difficult to do other than regard f.o.b. plant pricing as the only pricing system which at the present time is immune from the charge of illegality. It would appear that even individual non-collusive freight absorption on any systematic basis is outlawed. It is obvious that the right to absorb freight in a sporadic or unsystematic manner, in individual transactions only, is an illusion so far as practical utilization by business or industry is concerned.

Such a reversal of hitherto generally accepted business practices in geographic pricing systems holds many implications. The writer does not pretend to be an economist, but it seems to be obvious that a rigid f.o.b. pattern of geographic pricing would tend to stimulate industries at, and to draw industries to, heavy consumption centers. It would appear equally true that a plant located near a sparsely populated area where the consumptive demand of its freight advantage area would not consume its entire output would be foreclosed from penetrating distant markets unless it could absorb freight in so doing. To a plant so located that its freight advantage area can consume its entire output at the level which is at the optimum level for efficient production there would be no hazards, but there are few, if any, such plants.

If f.o.b. selling is to be the basic pattern in industry, a number of sellers may have to retire from the market area. There may develop a Balkanization of industry with each producing center having its monopoly circle of freight advantage territory. Territory might well be divided by freight rate cleavages as accurately and in more detail perhaps than could have been done under agreement. Certainly industry would have to resurvey the advantages and disadvantages of location of their plants at particular points. Plants which in the past were located in reliance on the historical right of business to absorb freight in penetrating distant markets and which have grown prosperous under that policy may have some rude awakenings.

These are not pointless possibilities, yet the Commission is apparently not concerned by such. Its associate general counsel who for years has been a brilliant advocate for the requirement of f.o.b. mill pricing and the elimination of freight absorption, in testifying before the Capehart Committee said:

> "I would not question that if the cement decision were applied there would have to be some changes, and that some concerns that formerly have been well located with reference to the market and raw materials and all that, would find themselves not so well located."

I should like to make it very clear that this is not intended as an attack upon the Federal Trade Commission. The Commission is a very useful body. It did not originate through accident, but was created in recognition of a very definite need. Industry has not always been as socially conscious as it should have been. Likewise in industry as elsewhere, there will always be those who will value immediate individual profit more highly than long-range stability and the public good. Unfortunately business society still needs a policeman to some extent. The conventional antitrust laws against collusion, conspiracy and monopoly are pretty well understood and I think have the full support both of business and the public. It would not be in the interest of business itself to seek to invalidate or weaken the statutes and I think to try to accuse business of attempting to do so is highly misleading.

Major Areas of Confusion

There is definitely confusion on at least three major points in the field of pricing practices. First: whether substantially identical prices at various locations as between any substantial number of sellers is practically conclusive evidence of collusion. Second: whether freight absorption is wholly outlawed except in sporadic "non-systematic" individual instances. Third: the proper definition of "price." To the average businessman "price" is what he pays for the commodity in his own marketplace; to the Commission it is the "mill net" at the particular seller's plant.

As the situation now stands sellers of standardized products on a broad geographic plane, which tend to seek a like price level, are almost inevitably driven to a system of f.o.b. prices. There are too many risks and unanswered questions any other way. To my mind, this involves a drastic decision between competing economic theories and I would fear a decision which would put industry into a straight-jacket of pricing practices with escape only for sporadic and non-systematic "hit and run" or dumping forays into competitors' territory.

If long-established business methods are to be overturned, if there is apt to result a substantial reallocation of industries (and whether that be good or bad in ultimate result), so drastic a revision ought to have some express legislative sanction rather than being predicated upon the economic philosophy of a Federal bureau. This is even more obvious when the governmental agency involved is itself rife with internal dissension and its key personnel have publicly stated flatly divergent views both of law and philosophy.

Business needs to "know the rules." It is durable enough and flexible enough to adjust and adapt itself to rules it may dislike and even resist, but it needs, and it is certainly entitled to, some clarification as to what the rules are.

The Public Information Program of The Junior Bar Section

By LOUIS I. HART, JR.
Colorado State Director

The Public Information Program of the Junior Bar Section will get under way when qualified Junior Bar members make their appearances at high schools throughout the State to give informal vocational talks about the profession generally, and about such related topics as law enforcement, which seem to be of special interest to high school age groups. A question and answer period after the talk is to be provided.

This is the first phase of the 1948-1949 program undertaken by the Public Information Branch of the Junior Bar Section. Letters have been sent to various members of the Junior Bar in most cities and towns of the State requesting that they address high school groups. In addition, letters have gone out to the particular principals of high schools in these communities advising them of our interest in vocational guidance and of the fact that there is available for whatever vocational program the school may have, a qualified member of the Junior Bar to give an informal talk about the profession.

This program is not a paper gesture, it has passed the planning stage and is on the assembly line, so to speak. Upon the successful completion of this project, the Junior Bar Section has on its drafting board a plan whereby qualified members will thoroughly investigate individual bills of particular interest to a given community and following such investigation, these members of the Junior Bar will present non-partisan, factual reports on the bill to interested groups in the community.

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With the centralization of the office of the Denver and Colorado bar associations, extra copies of the following issues of DICTA have come to light and will gladly be sent to anyone requesting them:

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